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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,817	10/22/2001	Satoshi Banno	Q66668	8303

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EXAMINER	
IQBAL, KHAWAR	

ART UNIT	PAPER NUMBER
2686	

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/982,817	BANNO, SATOSHI	
	Examiner	Art Unit	
	Khawar Iqbal	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 April 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3-7,9-11 are rejected under 35 U.S.C. 102(e) as being unpatentable by Shioda et al (6813508).

3. Regarding claim 1 Shioda et al teaches a mobile telephone comprising (figs. 4-10):

a first acquisition means, which acquires position information of a base station (BS (x, y)) having a stored position (col. 4, lines 45-49);

a second acquisition means, which acquires position information for a current position (R (x, y)) (col. 4, lines 52-57);

a calculation means, which, based on said position information acquired by said first acquisition means and said second acquisition means and position information input for the target position (destination location S (x, y)), calculates an angle formed between a line joining said current position and said base station and a line joining said current position and said target position (col. 2, lines 37-67, col. 5, lines 1-55, see fig. 6);

a first locating means, which, based on a received level of a signal transmitted from said base station, locates a direction to a location of said base station (col. 2, lines 12-67, col. 5, lines 1-67, col. 7, lines 3-32, fig. 6); and

a second locating means, which, based on said direction located by said first locating means and said angle calculated by said calculation means, locates a direction to said target position (col. 2, lines 12-67, col. 5, lines 1-67, col. 7, lines 3-32, fig. 6).

Regarding claim 3 Shioda et al teaches a directional antenna receiving a signal transmitted from said base station; and a calculation means calculating a field strength of said received signal, wherein, said first locating means determines a calculated direction having a maximum field strength as a direction to a position of said base station (col. 2, lines 12-67, col. 5, lines 1-67, col. 7, lines 3-32).

Regarding claim 4,9 Shioda et al teaches wherein said second acquisition means acquires position information of said current position, based on signals sent from a plurality of GPS satellites (col. 6, lines 55-65).

Regarding claims 5,10 Shioda et al teaches a base station transmitting its own position information to said mobile station (col. 2, lines 37-67, col. 5, lines 1-67, col. 7, lines 3-32).

Regarding claims 6,11 Shioda et al teaches which transmits its own position information in response to a request from said mobile telephone (col. 2, lines 37-67, col. 5, lines 1-67, col. 7, lines 3-32).

Regarding claim 7 Shioda et al teaches a mobile telephone comprising (figs. 6-10):

a controller, which acquires position information of a base station (col. 2, lines 37-67, col. 5, lines 1-67, col. 7, lines 3-32);

a receiving antenna, which acquires position information of a current position of said mobile telephone (col. 2, lines 37-67, col. 5, lines 1-67, col. 7, lines 3-32);

a directional antenna and a strength indicator, which, based on a received level of a signal transmitted from said base station, locate a direction to a location of said base station (col. 2, lines 12-67, col. 5, lines 1-67, col. 6, lines 15-50, col. 7, lines 3-32);

a calculation section, which, based on said base station position information and current mobile telephone position information, and position information input for the target position, calculates an angle formed between a line joining said current position and said base station and a line joining said current mobile telephone position and said target position, and based on said located direction and said calculated angle, locates a direction to said target position (col. 2, lines 37-67, col. 5, lines 1-67, col. 7, lines 3-32).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 2,8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shioda et al (6813508) and further in view of Takeshi (JP 10-281801).

2. Regarding claims 2,8 Shioda et al does not specifically teach second locating means is caused to be indicated on a display.

In an analogous art, Takeshi teaches second locating means is caused to be indicated on a display (page 9, para. # 0080-0084, see above). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Shioda et al by specifically adding features in order to enhance second locating means is caused to be indicated on a display to increasing the efficiency of the communication system as taught by Takeshi.

Response to Arguments

Applicant's arguments filed 4-29-05 have been fully considered but they are not persuasive. Examiner has thoroughly reviewed applicant's arguments but firmly believes the cited reference to reasonably and properly meets the claimed limitations. Applicants argument was that "a first locating means, which, based on a received level of a signal transmitted from said base station, locates a direction to a location of said base station". In response regarding claims 1,3,7 examiner would like to point out that Shioda et al teaches the selector carries out further arithmetic operation weighting a value of the electric field strength of a signal received from each surrounding base stations with the weighting coefficient of a corresponding surrounding base station to provide a weighted electric field strength of each of the extracted surrounding base station. The base station is selected from the extracted surrounding base stations depending on a value of the weighted electric field strength. Mobile station receives

different signal strength and corresponding directions of different base station. Base on the signal strength, when the mobile station selects a particular base station, it is clear that the mobile station selects the corresponding direction of the base station (col. 2, lines 12-31, and col. 7, lines 10-30, see fig. 6). Additionally, the examiner has given the claim language its broadest reasonable interpretation. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Anticipatory reference need not duplicate, word for word, what is in claims; anticipation can occur when claimed limitation is "inherent" or otherwise implicit in relevant reference (Standard Havens products Incorporated v. Gencor Industries Incorporated, 21 USPQ2d 1321).). In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Khawar Iqbal whose telephone number is (571) 272-7909.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Marsha D Banks-Harold
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